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市场监管总局受理大联大“恶意收购”文晔涉嫌违反反垄断法的举报

2019年12月2日，据集微网报道，国内多家科技公司反映称，大联大投资控股股份有限公司（“大联大”）对文晔科技股份有限公司（“文晔科技”）的“敌意收购”对中国境内相关产业存在垄断风险，应事先向国家市场监督管理总局（“市场监管总局”）进行经营者集中反垄断申报。日前，手机中国联盟已向市场监管总局举报这一并购案并获受理。据悉，大联大、文晔科技在全球半导体元件经销商市场均具有领先地位且上下游存在高度重合。（[查看更多](#)）

SAMR Accepts the Antitrust Complaint Against WPG Holdings' Acquisition of WT Microelectronics

On 2 December 2019, it was reported by *laoyaoba.com* that WPG Holdings' "hostile takeover" of WT Microelectronics exists potential monopoly risks toward relevant industry in the Mainland of China and thus should be notified to China's State Administration for Market Regulation ("SAMR"). Recently, the Mobile Phone China Alliance complained to SAMR about this acquisition, which has already been accepted. It is reported that both WPG Holdings and WT Microelectronics are leading players in the global semiconductor component distributing market, with high overlap in both upstream and downstream markets. ([More](#))

市场监管总局与欧盟竞争总司在京举办第十九届中欧竞争政策周

近日，市场监管总局与欧盟委员会竞争总司在北京举办第十九届中欧竞争政策周研讨会。市场监管总局反垄断局副局长徐乐夫、欧盟委员会竞争总司国际关系部高级专家托本·陶福特（Torben Toft）出席开幕式并致辞。研讨会上，中欧双方围绕欧盟国家援助制度、中国公平竞争审查制度、经营者集中审查以及竞争执法和数字经济等问题进行了研讨，就案例实践、竞争执法和竞争政策问题进行了深入交流。（[查看更多](#)）

19th EU-China Competition Week Held in Beijing

Recently, the 19th EU-China Competition Week was held by SAMR and the European Commission Directorate-General for Competition ("DG Competition") in Beijing. Mr. Xu Lefu, the Deputy Director-General of the Anti-Monopoly Bureau of SAMR, and Mr. Torben Toft, the Senior Expert of the International Relations Unit of DG Competition, delivered the opening remarks. During the meeting, the officials and experts discussed a broad range of topics, including State Aid control in the EU and its Member States, the Chinese Fair Competition Review System, merger review, and competition law enforcement and the digital economy. The roundtable discussions provided a platform for frank exchanges on practical experiences with cases and enforcement of competition law and policy in both countries. ([More](#))

海外动态 Overseas News

美国联邦巡回上诉法院裁定加州中区法院重审TCL诉爱立信FRAND费率一案

2019年12月5日，美国联邦巡回上诉法院公布其对TCL诉爱立信FRAND许可费案（案号：8:14-cv-00341-JVS-DFM）二审判决，部分撤销和改判加州中区法院的一审判决，发回重审。2018年3月9日，加州中区法院的一审判决，确定了爱立信2G、3G、4G移动通信标准必要专利组合对TCL的FRAND全球许可费率，同时驳回了爱立信提起的侵权之诉和TCL相应提起的专利无效和不侵权之反诉。（[查看更多](#)）

CAFC Remands a SEP Appeal Involving Ericsson and TCL

On 5 December 2019, the United States Court of Appeals for the Federal Circuit (“the Court”) issued a decision in a standard essential patent (“SEP”) appeal involving Ericsson and TCL (Docket No. 8:14-cv-00341-JVS-DFM). The court vacated part of the United States District Court for the Central District of California’s determination, reversing the dismissal of Ericsson’s patent infringement claims and TCL’s related counter-claims, and remanded all above determinations for further proceedings. This appeal arose from a March 9, 2018 decision and order, imposing FRAND rates in a binding worldwide license on Ericsson and TCL for Ericsson’s portfolio of SEPs incorporated into 2G, 3G, and 4G mobile communications standards. ([More](#))

宝马对法雷奥、电装提起反垄断后继诉讼，索赔1.41亿欧元

2019年12月5日，据路透社报道，德国汽车巨头宝马公司（BMW）日前表示，其已对两家汽车零部件供应商，法国法雷奥公司（Valeo）和日本电装公司（Denso）提起反垄断后继诉讼，索赔1.41亿欧元（约合人民币11.03亿元）。2017年，欧盟委员会对包括法雷奥、电装在内的多家汽车空调系统供应商的卡特尔行为开出总计1.55亿欧元（约合人民币12.12亿元）的反垄断罚单。涉案企业均向欧盟委员会承认了卡特尔行为，以换取10%的罚款减免。（[查看更多](#)）

BMW Sues Valeo, Denso over Price Fixing

On 5 December 2019, *Reuters* reported that BMW was suing two of its suppliers, Valeo and Denso, over price fixing on air conditioning components for damages of EUR 141m. The case relates to a decision in 2017 by the EU Commission to fine several car part-makers, including Valeo and Denso, a total of EUR 155m for having operated cartels in a number of their markets. All the companies admitted wrongdoing in return for a 10 percent reduction in their fines. ([More](#))

交互数字公司宣布在英国法院起诉华为专利侵权，请求法院确认FRAND费率

2019年12月4日，美国交互数字公司（InterDigital, Inc.）宣布，其已在英国英格兰及威尔士高等法院对华为提起专利侵权诉讼，以寻求确认其对华为提出的全球许可要约符合FRAND承诺，或者，确定其3G、4G和5G标准必要专利组合的FRAND许可条款，此外，其还请求法院对华为发出

“FRAND禁令”。今年1月2日，华为在深圳市中级人民法院对交互数字公司提起专利许可纠纷诉讼。（[查看更多](#)）

InterDigital Files Patent Infringement Action Against Huawei in UK

On 4 December 2019, InterDigital, Inc. (“**InterDigital**”) announced that it had filed a patent infringement action in the High Court of Justice of England and Wales. In the proceedings, InterDigital is seeking, among other things, a declaration that terms offered by InterDigital to Huawei for a worldwide license are consistent with InterDigital’s FRAND commitments or, alternatively, a determination of FRAND terms for a license to InterDigital’s portfolio of 3G, 4G and 5G SEPs. The company is also seeking a “FRAND injunction”. On 2 January 2019, Huawei filed a patent license lawsuit against InterDigital in Shenzhen Intermediate People’s Court. ([More](#))

高通挑战KFTC万亿韩元反垄断罚单，一审败诉

2019年12月4日，据《纽约时报》报道，美国芯片巨头高通当天表示，其将就韩国首尔高等法院作出的维持韩国公平贸易委员会（Korea Fair Trade Commission, “**KFTC**”）对其开出的高达1.03万亿韩元（约合人民币61.09亿元）反垄断罚单的一审判决提起上诉。2016年，KFTC认定高通在专利授权及芯片销售过程中实施了滥用市场支配地位行为，对其开出了创韩国反垄断执法纪录的巨额罚单。（[查看更多](#)）

Qualcomm to Appeal Record South Korean Antitrust Fine

On 4 December 2019, *the New York Times* reported that Qualcomm said it would appeal the Seoul High Court decision on Wednesday to uphold a record USD 873m fine against the U.S. chip giant. In 2016, the Korea Fair Trade Commission concluded that Qualcomm had abused its dominant market position in business practices of patent licensing and modem chip sales. ([More](#))

继82.5亿欧元罚单后，欧盟再对谷歌数据收集行为展开反垄断调查

2019年12月1日，据路透社报道，欧盟委员会正在对谷歌的数据收集行为展开反垄断调查。相关执法官员称，欧盟委员会已向谷歌发出问卷，作为与数据收集与使用行为有关的初步调查的一部分。路透社称，其看到的一份文件显示，欧盟关注的是与本地搜索服务、在线广告、在线定向广告服务、登录服务、网络浏览器等相关的数据。过去两年，欧盟已在三起反垄断调查案件中对谷歌开出了总计约82.5亿欧元的罚单。（[查看更多](#)）

EU Commission Investigating Google’s Data Collection

On 1 December 2019, *Reuters* reported that the EU Commission was investigating Google’s collection of data. The EU regulator told *Reuters* that the Commission had sent out questionnaires as part of a preliminary investigation into Google’s practices relating to Google’s collection and use of data. The preliminary investigation was ongoing. A document seen by *Reuters* shows the EU’s focus is on data related to local search services, online advertising, online ad targeting services, login services, web browsers and others. In the last two years, the Commission has fined totaling more than EUR 8.25bn to Google and ordered it to change its business practices. ([More](#))

诺基亚正努力解决与戴姆勒等汽车行业厂商的专利许可费争端

2019年11月30日，据路透社报道，诺基亚日前表示，其正在努力结束与德国汽车巨头戴姆勒等公司的专利许可费争端。此前，戴姆勒、大陆集团、法雷奥等汽车行业整车及零部件供应商就诺基亚有关汽车通讯必要专利的许可费问题向欧盟委员会提起反垄断举报。一名消息人士称，欧盟委员会已在10月暗示可能展开调查。（[查看更多](#)）

Nokia Says Working to End Patent Licensing Row with Daimler and Other Firms

On 30 November 2019, *Reuters* reported that Nokia said on Friday it was working to end patent licensing row with Germany's Daimler and other firms. Daimler, German electronics firm Bury Technologies, German car parts maker Continental, France's Valeo and chipmaker Gemalto, now part of Thales, had complained to the EU Commission about the fees demanded by Nokia for patents that are essential to car communications. One source said the EU Commission had indicated in October it could launch a probe. ([More](#))

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